

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ISAAC T. WASHINGTON, #72148-004

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv224-DCB-MTP

HARLEY LAPPIN, et al.

DEFENDANTS

ORDER

Before the Court is plaintiff's motion to reconsider [16] this Court's order [15] entered on January 27, 2009, denying the relief sought in his "subpoena" motion [14]. As stated in this Court's order [15], the plaintiff filed a notice of voluntary dismissal [11] on June 30, 2008, and as a result the instant civil action was dismissed. Thus, the above referenced civil action is no longer pending and there is no need for a court date to be set or witnesses to be subpoenaed in the above referenced civil action. Therefore, the plaintiff's motion to reconsider [16] is not well-taken and is hereby **denied**.

If the plaintiff wishes to pursue the claims presented in the original complaint filed in the instant civil action, he may do so by filing a new and separate civil action. The plaintiff is advised that the filing of a new and separate civil action does not reflect any opinion of this Court that the claims contained in the complaint will or will not be determined to be meritorious.

SO ORDERED, this the 11th day of February, 2009.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE